

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	21-0152-05-CR-W-DGK
v.)	
)	
DEREK A. HENDERSON,)	
)	
Defendant.)	

**ORDER ADOPTING REPORT AND RECOMMENDATION CONCERNING
DEFENDANT'S COMPETENCY**

On May 20, 2022, the Court ordered Defendant to undergo a competency evaluation. Defendant was examined at the Federal Medical Center in Fort Worth by Lisa Bellah, Ph.D. Dr. Bellah filed a report, ECF No. 95, on September 8, 2022, opining Defendant is incompetent to proceed.

On September 15, 2022, Magistrate Judge W. Brian Gaddy held a competency hearing and issued a report and recommendation finding Defendant is incompetent to proceed. Neither party objected to the Report and Recommendation.

After making an independent review of the record, it is

ORDERED that the Report and Recommendation of Magistrate Judge Gaddy is adopted in its entirety. This court finds Defendant is not competent to stand trial at the present time. It is further

ORDERED that, pursuant to 18 U.S.C. 4241(d), Defendant is committed to the custody of the Attorney General for hospitalization and treatment in a suitable facility for a reasonable time up to 120 days to determine whether there is a substantial probability that in the foreseeable future, the defendant will attain the capacity to permit the trial to proceed.

IT IS SO ORDERED.

Date: October 3, 2022

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT